

REMARKS

In the final Office Action, the Examiner rejects claims 13-15, 20, and 33-35 under 35 U.S.C. § 103(a) as unpatentable over BYRNE (U.S. Patent No. 6,229,787) in view of LI et al. (U.S. Patent No. 5,473,599); and objects to claims 16-19 and 36-38 as allowable if rewritten in independent form. Applicant respectfully traverses the above rejections.¹

By way of the present amendment, Applicant proposes canceling claims 18 and 37, without prejudice or disclaimer of the subject matter thereof, and amending claims 13, 19, 33, and 38 to improve form. No new matter would be added by way of the present amendment. Claims 13-20, 33-36, and 38 would remain pending.

Allowable subject matter

Applicant appreciates the indication that claims 16-19 and 36-38 would be allowable if rewritten into independent form to include the features of the base claim and any intervening claims.

Rejection under 35 U.S.C. § 103(a) based on BYRNE and LI et al.

Claims 13-15, 20, and 33-35 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BYRNE in view of LI et al. Applicant respectfully traverses this rejection.

While not acquiescing in the Examiner's rejection, but simply to expedite prosecution, Applicant proposes amending independent claim 13 to include a feature

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.

similar to a feature that was recited in canceled claim 18, which has been indicated as allowable if rewritten into independent form. Thus, Applicant submits that independent claim 13 is in condition for immediate allowance.

Claims 14, 15, and 20 depend from independent claim 13. Therefore, these claims are in condition for immediate allowance for at least the reasons given above with respect to independent claim 13.

While not acquiescing in the Examiner's rejection, but simply to expedite prosecution, Applicant proposes amending independent claim 33 has been amended to include to include a feature similar to a feature that was recited in canceled claim 37, which has been indicated as allowable if rewritten into independent form. Thus, Applicant submits that independent claim 33 is in condition for immediate allowance.

Claims 34 and 35 depend from independent claim 33. Therefore, these claims are in condition for immediate allowance for at least the reasons given above with respect to independent claim 33.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims. As indicated above, Applicant respectfully submits that the present amendment places the application in immediate condition for allowance.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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